

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

ORIGINAL

Village of Elwood, Will)
County, Illinois,)
)
Petitioner,)
)
vs.)
)
Union Pacific Railroad Company)
And State of Illinois,)
Department of Transportation,)
)
Respondents.)
)
Petition for an Order of the)
Illinois Commerce Commission)
authorizing the establishment of)
a new grade crossing at East)
Access Road with the track of)
the Union Pacific Railroad)
Company, in the Village of)
Elwood, Will County, Illinois,)
directing thereon the install-)
ation of automatic protection)
devices and construction of the)
crossing proper and dividing the)
cost among the parties,)
directing the closure of the)
existing grade crossing at)
Chicago Avenue with the track of)
Union Pacific Railroad in the)
Pacific Railroad in the Village)
of Elwood, Will County, Illinois)

T01-0064

RECEIVED
MAY 21 2003

Illinois Commerce Commission
RAIL SAFETY SECTION

PETITION TO AMEND ORDER

Union Pacific Railroad Company, (hereinafter
"Railroad"), represents to the Illinois Commerce Commission,
(hereinafter "Commission"), as follows:

1. Railroad is a Delaware corporation engaged in the
business of providing common carrier freight service by

DOCKETED

railroad, owning and operating railroad tracks and equipment in the state of Illinois, with offices at 101 North Wacker Drive, Room 1920, Chicago, Illinois 60606.

2. By order of the Commission dated June 19, 2002, the Railroad, the Village of Elwood ("Village") and the Illinois Department of Transportation ("IDOT") are to complete the various components for the establishment of a new public road, and fully signalized and gated at grade crossing, at the intersection of the Railroad's tracks and a new road referred to as East Access Road, (now known as "Strawn Road"), including required interconnection with related traffic signals at Illinois Route 53, all in the Village, by June 19, 2003.

3. To date, a detailed Easement Agreement and a new Public Highway Agreement have been negotiated between the Railroad and the Village.

4. Field surveys were completed on or about September 16, 2002.

5. Final design of the signal system was completed on April 15, 2003.

6. A Commission Form 3 was forwarded to Ron Burgeron for design review on May 16, 2003. It is expected that an "X" resolution from the Commission will follow if the Commission accepts the design review.

7. An estimate for the work required to establish the crossing is attached hereto as Exhibit "A" and is hereby

made a part hereof. In summary, the estimate provides that signalization will be approximately \$464,823.00, crossing construction will be approximately \$82,115.00 and closure of the Chicago Road crossing will be approximately \$19,231.00.

8. On February 19, 2003, representatives of the Railroad met with representatives of Center Point Properties, Inc. ("Center Point"). At this meeting, it was learned that the overall proposal for East Access Road and the wye trackage and turnouts designed for the new crossing was being eliminated and being replaced with a "drop and pull yard" at the south of the proposed crossing. This substantial change from the original plan as presented to the Commission at the hearing on this matter caused the Railroad to review all crossing and track design plans for the subject crossing.

9. To the Railroad's knowledge, and in accordance with the order in this matter, the total cost of the subject crossing and signalization is the responsibility of the Village. However, by contract, the developer, Center Point, is funding the entire project at its sole cost and expense in that the new road and crossing are for the exclusive benefit of the Center Point development located in the Village. While the Railroad is contributing \$19,231.00 (originally estimated at \$5,000.00) for the closure of the Chicago Road crossing, there is no IDOT or Commission grade crossing protection fund funding ordered for this crossing project.

10. The reconfiguration of UP rail service to the Center Point development has also modified the industrial lead crossing within the development.

11. The recent petition by the Village to modify the crossing at Mississippi Street to the north of East Access Road in the Village will impact the railroad signal system at East Access Road.

12. To date, East Access Road is not yet completed.

13. The Railroad will use its best efforts to fully complete the entire crossing by the end of 2003. To cover all expected contingencies, the Railroad requires up to twelve (12) months in additional time to fully complete the entire crossing at East Access Road.

Therefore, for the reasons outlined above, the Railroad respectfully requests that the Commission amend its order in this matter without hearing and extend the completion date for the installation of the crossing and signalization system at the East Access Road crossing to June 22, 2004.

Respectfully submitted,

By: 

Mack H. Shumate, Jr.
Attorney for Respondent

Mack H. Shumate, Jr.
Attorney for respondent
Union Pacific Railroad Company
101 North Wacker Drive, Room 1920
Chicago, IL 60606
312/777-2055
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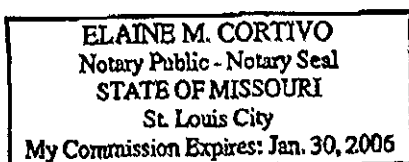
VERIFICATION

David W. McKernan, being first duly sworn on oath,
deposes and states that he is the Manager of Industry and Public
Projects in the Engineering Department for Union Pacific
Railroad Company; that he has read the foregoing Petition and
that the facts contained therein are true and correct to the
best of his knowledge, information and belief.


David W. McKernan

Subscribed and sworn to
Before me this 16th day of
May, 2003.


Notary Public



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ILLINOIS COMMERCE COMMISSION

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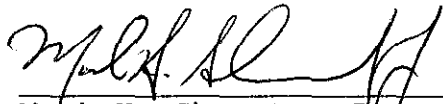
T01-0064

NOTICE OF FILING

TO: Dave Lazarides, Stacey C. Hollo, Edward P. Graham
and Kevin P. Breslin

PLEASE TAKE NOTICE that I have this 16th day of May,

2003, forwarded to the Chief Clerk of the Illinois Commerce Commission, Springfield, Illinois, for filing in the above referenced matter, a **PETITION TO AMEND ORDER**, a copy of which is attached hereto and hereby served upon you.



Mack H. Shumate, Jr.
Attorney for Respondent

Union Pacific Railroad Company
101 North Wacker Drive
Room 1920
Chicago, IL 60606
312/777-2055

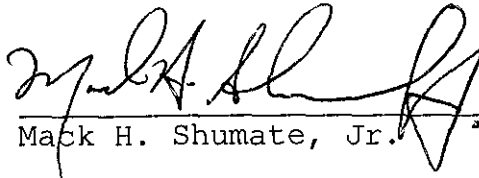
PROOF OF SERVICE

The undersigned hereby certifies that a copy of the foregoing instrument was served upon the addresses listed below by mailing a true and correct copy via first class mail, postage prepaid and depositing the same in the United States Mail at Chicago, Illinois, this 16th day of May, 2003.

Stacey C. Hollo
Special Assistant Attorney General
2300 South Dirksen Parkway, Room 311
Springfield, IL 62764

Kevin P. Breslin
Katz Randall Weinberg & Richmond
333 West Wacker Drive, Suite 1800
Chicago, IL 60606

Edward P. Graham
1112 South Washington, Suite 212
Naperville, IL 60540


Mack H. Shumate, Jr.

DATE: 2002-10-

EXHIBIT "A"

ESTIMATE OF MATERIAL AND FORCE ACCOUNT WORK
BY THE
UNION PACIFIC RAILROAD

DESCRIPTION OF WORK:

SIGNAL CONSTRUCTION FOR INSTALLATION OF TRACKAGE TO SERVE
CENTERPOINT REALTY SERVICES. ELWOOD, ILLINOIS.

MP. 46.17 - 46.55 JOLIET SUBDIVISION.

SIGNAL PROJECT MANAGER:H.L. MARTIN

8271-4692

PID: 44006 AWO: 08343 MP, SUBDIV: 46.00, JOLIET
SERVICE UNIT: 04 CITY: ELWOOD STATE: IL

DESCRIPTION	QTY	UNIT	LABOR	MATERIAL	RECOLL	UPRR	TOTAL
ENGINEERING WORK							
ENGINEERING 16 DU.			11818		11818		11818
LABOR ADDITIVE			31884		31884		31884
SGNL-GEN/ IN			11287		11287		11287
TOTAL ENGINEERING			54989		54989		54989
SIGNAL WORK							
LABOR ADDITIVE			102832		102832		102832
MATL STORE EXPENSE				4288	4288		4288
SALES TAX				5698	5698		5698
SIGNAL			74516	142470	216986		216986
EQUIPMENT RENTAL				31507	31507		31507
LABOR ADDITIVE			601		601		601
MATL STORE EXPENSE				9	9		9
OTM			782	325	1107		1107
PERSONAL EXPENSES				46793	46793		46793
SALES TAX				13	13		13
LABOR/MATERIAL EXPENSE			233720	231103			
RECOLLECTIBLE/UPRR EXPENSE					464823	0	
ESTIMATED PROJECT COST							464823
EXISTING REUSEABLE MATERIAL CREDIT					0		
SALVAGE NONUSEABLE MATERIAL CREDIT					0		
RECOLLECTIBLE LESS CREDITS							

THE ABOVE FIGURES ARE ESTIMATES ONLY AND SUBJECT TO FLUCTUATION. IN THE EVENT OF
AN INCREASE OR DECREASE IN THE COST OR QUANTITY OF MATERIAL OR LABOR REQUIRED,
UPRR WILL BILL FOR ACTUAL CONSTRUCTION COSTS AT THE CURRENT EFFECTIVE RATE.

EXHIBIT "A"

DATE: 2002-10-15

ESTIMATE OF MATERIAL AND FORCE ACCOUNT WORK
BY THE
UNION PACIFIC RAILROAD

DESCRIPTION OF WORK:
INSTALL 1-64FT CONCRETE CROSSING SURFACE AT EAST ACCESS ROAD, MP 43.26
IN ELWOOD, IL. ON THE JOLIET SUBDIVISION.
UNLOAD 5 CARS OF BALLAST AT CROSSING AND SURFACE THROUGH.
RAILROAD TO PERFORM ALL WORK - COST DISTRIBUTED AS FOLLOWS:
SURFACE - CENTERPOINT PROPERTIES 100% RECOLLECTABLE

PID: 44007 AWO: 08344 MP, SUBDIV: 43.66, JOLIET
SERVICE UNIT: 04 CITY: ELWOOD STATE: IL

DESCRIPTION	QTY	UNIT	LABOR	MATERIAL	RECOLL	UFRR	TOTAL
ENGINEERING WORK							
ENGINEERING			1000		1000		1000
LABOR ADDITIVE 141%			1410		1410		1410
TOTAL ENGINEERING			2410		2410		2410
SIGNAL WORK							
MAIL STORE EXPENSE				8	8		8
SALES TAX				6	6		6
SIGNAL			874	169	1043		1043
TOTAL SIGNAL			874	183	1057		1057
TRACK & SURFACE WORK							
BALAST	5.00	CL	2083	2921	5004		5004
BILL PREP			900		900		900
COMPANY EQUIP USAGE				1850	1850		1850
EQUIPMENT RENTAL				5000	5000		5000
FIELD WELD			95		95		95
FOREIGN LINE FREIGHT				165	165		165
HOME LINE FREIGHT				900	900		900
LABOR ADDITIVE 141%			18151		18151		18151
MAIL STORE EXPENSE				461	461		461
OTM				812	2135		2947
RAIL	640.00	LF	1101	7110	8211		8211
REXING	64.00	TF	3397	8273	11670		11670
SALES TAX				1207	1207		1207
TRK-SURF, LIN				2304	2304		2304
WELD				3081	265		3346
XTIE	150.00	EA	6912	9525	16437		16437
TOTAL TRACK & SURFACE			38836	39812	78648		78648
LABOR/MATERIAL EXPENSE							
RECOLLECTIBLE/UFRR EXPENSE			42120	39995	82115	0	82115
ESTIMATED PROJECT COST							82115
EXISTING REUSEABLE MATERIAL CREDIT					0		
SALVAGE NONUSEABLE MATERIAL CREDIT					0		
RECOLLECTIBLE LESS CREDITS							

THE ABOVE FIGURES ARE ESTIMATES ONLY AND SUBJECT TO FLUCTUATION. IN THE EVENT OF AN INCREASE OR DECREASE IN THE COST OR QUANTITY OF MATERIAL OR LABOR REQUIRED, UPFR WILL BILL FOR ACTUAL CONSTRUCTION COSTS AT THE CURRENT EFFECTIVE RATE.